

Juvenile Prosecution: Trending Topics for the 21st Century

Friday, December 13, 2019
APAAC Training Room
1951 W Camelback Rd., Unit 202,
Phoenix, Arizona



Up in Smoke: Marijuana Vaping

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Distributed by:

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL

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Marijuana Vaping

(and other drug sale related topics)

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1

Marijuana : 13-3405



Wax/oil/cannabis : 13-3408



Vape Pens: 13-3415



2

Arizona Medical Marijuana Act (AMMA)

2.5 oz of marijuana or extract from 2.5 oz of marijuana* (State v. Jones 2019)

Section 36-2801(1) provides that the "allowable amount of marijuana" is "[t]wo-and-one-half ounces of usable marijuana," which subsection (15) defines as "the dried flowers of the marijuana plant, and any mixture or preparation thereof." AMMA's weight limitation is based on "two-and-one-half ounces" of "the dried flowers of the marijuana plant," regardless of the weight of the product manufactured from those flowers.

As stated above, AMMA extends to manufactured marijuana products using extracted resin. See supra ¶ 10. Under § 36-2801(15), these products are "mixture[s] or preparation[s]" of the dried flowers of the marijuana plant. We therefore read § 36-2801(1) and (15) to mean qualifying patients are allowed two-and-one-half ounces of dried flowers, or mixtures or preparations made from two-and-one-half ounces of dried flowers.

*what does that mean?

Any evidence of sale removes suspect from protections of AMMA


3

Drug Sale v. Possession

Factors to consider

Quantity/packaging
 Use v. Sale Paraphernalia
 Admissions
 Other circumstantial evidence

4

THRESHOLD  SALE

ARS 13-3401 (36)

5

Drug Trafficking Expert

Must notice under Rule 15.1 (b)(4)



(4) for each expert who has examined a defendant or any evidence in the case, or who the State intends to call at trial:

(A) the expert's name, address, and qualifications;

(B) any report prepared by the expert and the results of any completed physical examination, scientific test, experiment, or comparison conducted by the expert; and

(C) if the expert will testify at trial without preparing a written report, a summary of the general subject matter and opinions on which the expert is expected to testify;

6

Scientific Testing

No testing needed

- Marijuana

Field test needed

- methamphetamine
- Heroin
- Cannabis
- Cocaine
- Fentanyl (new, rare)

Lab test needed

- Pills
- spice
